

Attorney General

Analyst: Holland-Smith

Historical Summary

OPERATING BUDGET	FY 2002 Total App	FY 2002 Actual	FY 2003 Approp	FY 2004 Request	FY 2004 Gov Rec
BY PROGRAM					
State Legal Services	14,084,100	13,935,100	13,587,800	14,485,600	13,175,900
Special Litigation	3,285,100	3,285,100	839,400	3,500,000	839,400
Total:	17,369,200	17,220,200	14,427,200	17,985,600	14,015,300
BY FUND CATEGORY					
General	17,068,000	16,939,000	14,112,300	17,815,100	13,861,700
Dedicated	116,500	128,700	140,800	170,500	153,600
Federal	184,700	152,500	174,100	0	0
Total:	17,369,200	17,220,200	14,427,200	17,985,600	14,015,300
Percent Change:		(0.9%)	(16.2%)	24.7%	(2.9%)
BY OBJECT OF EXPENDITURE					
Personnel Costs	12,950,900	12,787,200	12,781,600	13,470,200	12,355,600
Operating Expenditures	4,230,800	4,213,600	1,645,600	4,364,600	1,587,300
Capital Outlay	187,500	219,400	0	150,800	72,400
Total:	17,369,200	17,220,200	14,427,200	17,985,600	14,015,300
Full-Time Positions (FTP)	183.15	183.15	183.15	183.15	168.65

Department Description

The Attorney General is an elected constitutional official who serves as the state's chief legal officer. The responsibilities of the office are executed by six separate divisions budgeted in two different programs.

STATE LEGAL SERVICES:

1. Civil Litigation: Provides centralized civil litigation advice and representation in cases for all state agencies, and defends the state in tort claims, actions against the judiciary, employment claims against state agencies, and actions against the Legislature. The Consumer Protection Unit enforces Idaho's consumer protection, telephone solicitation, charitable solicitation, and pay-per-telephone call statutes, as well as other laws.

2. Contracts and Administrative Law: Manages outside legal contracts for the Bureau of Risk Management, the State Insurance Fund, the Bureau of Child Support, and the Industrial Special Indemnity Fund, including assignment of cases to outside legal counsel, monitoring and supervision of cases, and review and approval of attorney billings.

3. Criminal Law: Represents the state in criminal appeals before the Idaho Supreme Court, the Idaho Court of Appeals, and in death penalty appeals in state or federal courts. Provides prosecutorial assistance statewide to counties, and provides state assistance through the complex (white-collar crime) Criminal Investigations Unit to local agencies.

4. Human Services: Provides legal service to the Dept. of Health & Welfare.

5. Intergovernmental & Fiscal Law: Provides legal advice to the Secretary of State and the State Treasurer, counties, cities, and special districts in the state. Provides legal representation to several state agencies.

6. Natural Resources: Provides legal services to the natural resources agencies, and represents the State of Idaho in current endangered species litigation, Snake River Adjudication, and the remediation of Triumph Mine.

SPECIAL LITIGATION PROGRAM: Funds are used to engage private legal representation when required due to ethical conflict between governmental entities, hire technical experts when the Attorney General's staff does not have the necessary expertise, and cover the cost of extraordinary unanticipated litigation.

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Comparative Summary

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2003 Original Appropriation	183.15	14,112,300	14,427,200	183.15	14,112,300	14,427,200
1. Transition Costs	0.00	4,000	4,000	0.00	4,000	4,000
2. Consumer Protection Grants	0.00	0	10,000	0.00	0	10,000
Budget Reduction (Neg. Supp.)	(6.50)	(493,900)	(493,900)	(6.50)	(493,900)	(493,900)
FY 2003 Total Appropriation	176.65	13,622,400	13,947,300	176.65	13,622,400	13,947,300
Removal of One-Time Expenditures	0.00	(4,000)	(4,000)	0.00	(4,000)	(4,000)
Base Adjustments	(8.00)	0	(174,100)	(8.00)	0	(174,100)
Restore Budget Reduction	6.50	493,900	493,900	0.00	0	0
FY 2004 Base	175.15	14,112,300	14,263,100	168.65	13,618,400	13,769,200
Personnel Cost Rollups	0.00	136,300	136,400	0.00	157,400	157,500
Inflationary Adjustments	0.00	15,300	17,100	0.00	0	0
Replacement Items	0.00	153,200	155,900	0.00	75,000	77,700
Nonstandard Adjustments	0.00	13,900	13,900	0.00	10,900	10,900
Change in Employee Compensation	0.00	117,300	117,800	0.00	0	0
FY 2004 Program Maintenance	175.15	14,548,300	14,704,200	168.65	13,861,700	14,015,300
1. Special Litigation Funding	0.00	2,660,600	2,660,600	0.00	0	0
2. Deputy AG for Criminal Appellate Unit	1.00	65,400	65,400	0.00	0	0
3. Criminal Law - Dep AG for IDOC	1.00	67,100	67,100	0.00	0	0
4. Natural Resources - Dep AG for DEQ	1.00	85,200	85,200	0.00	0	0
5. Civil Litigation - Dep AG	1.00	66,700	66,700	0.00	0	0
6. Criminal Law - Dep AG	1.00	76,200	76,200	0.00	0	0
7. Contracts & Administration - Dep AG	1.00	67,200	67,200	0.00	0	0
8. Dep AG & Paralegal for Insurance	2.00	134,200	134,200	0.00	0	0
9. New Operating & Capital Outlay	0.00	12,200	26,800	0.00	0	0
10. Case Mgmt System for Civil Litigation	0.00	32,000	32,000	0.00	0	0
FY 2004 Total	183.15	17,815,100	17,985,600	168.65	13,861,700	14,015,300
Change from Original Appropriation	0.00	3,702,800	3,558,400	(14.50)	(250,600)	(411,900)
% Change from Original Appropriation		26.2%	24.7%		(1.8%)	(2.9%)

Attorney General

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Budget by Decision Unit

	FTP	General	Dedicated	Federal	Total
FY 2003 Original Appropriation	183.15	14,112,300	140,800	174,100	14,427,200

1. Transition Costs

State Legal Services

Additional funds are requested to pay for printing costs associated with a new administration.

Agency Request	0.00	4,000	0	0	4,000
Governor's Recommendation	0.00	4,000	0	0	4,000

2. Consumer Protection Grants

State Legal Services

The agency has applied for and received funding for consumer protection grants in FY 2003.

Agency Request	0.00	0	10,000	0	10,000
Governor's Recommendation	0.00	0	10,000	0	10,000

Budget Reduction (Neg. Supp.)

The funding removed as part of the 3.5% General Fund Holdback included \$463,900 in personnel costs for six and one-half positions, five part-time positions, and \$30,000 in operating expenditures for legislative liaison services. The following positions were cut: 2.00 paralegals, 1.00 legal secretary, 3.50 deputy attorneys general, and a group office assistant position. The Criminal Division, the Human Services Division, and the Natural Resources Division each lost a full-time deputy, and the Intergovernmental Division lost a .50 deputy position. In addition, all employees of the Office will take two days leave without pay for a savings of \$85,500, with the exception of selected support positions taking one day of leave without pay.

The Attorney General is requesting that 1.00 FTP and \$21,300 in personnel costs be restored for a deputy attorney general assigned to the Department of Health & Welfare for child support enforcement, and \$30,000 in operating expenditures designated for legislative liaison services if the Legislature considers making the temporary cuts permanent. The total amount requested to be restored is \$51,500. If the deputy attorney general position were to be restored an additional \$59,900 is being requested in an Annualization decision unit to fully fund the position in FY 2004.

Agency Request	(6.50)	(493,900)	0	0	(493,900)
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The Governor recommends that the General Fund holdback, as directed by Executive Orders 2002-08 and 2002-09, be incorporated as a negative supplemental appropriation for FY 2003. The Governor appreciates the sacrifice made by the Attorney General in our current financial situation. The Governor recommends the Legislature review the request to restore legislative liaison services and the deputy attorney general position lost in the Governor's Holdback to determine the viability of restoration.

Governor's Recommendation	(6.50)	(493,900)	0	0	(493,900)
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FY 2003 Total Appropriation

Agency Request	176.65	13,622,400	150,800	174,100	13,947,300
Governor's Recommendation	176.65	13,622,400	150,800	174,100	13,947,300

Removal of One-Time Expenditures

Agency Request	0.00	(4,000)	0	0	(4,000)
Governor's Recommendation	0.00	(4,000)	0	0	(4,000)

Base Adjustments

Reduction of 6.00 FTPs associated with the General Fund Base Reduction for FY 2003. The positions removed were 2.00 deputy AGs from Natural Resources, of which one was assigned to DEQ; 2.00 deputy AGs from Civil Litigation; 1.00 deputy AG from Criminal Law assigned to the Dept. of Correction; and 1.00 deputy AG from Contracts. The agency also lost \$174,100 in federal funding from a Byrne Grant that supported a criminal investigator and a paralegal position in the Complex Crimes Investigation Unit resulting in the loss of two additional FTPs.

Agency Request	(8.00)	0	0	(174,100)	(174,100)
Governor's Recommendation	(8.00)	0	0	(174,100)	(174,100)

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
Restore Budget Reduction					
Agency Request	6.50	493,900	0	0	493,900
<i>The Governor recommends that reductions made in appropriations in fiscal year 2003 not be restored to the budget base.</i>					
Governor's Recommendation	0.00	0	0	0	0
FY 2004 Base					
Agency Request	175.15	14,112,300	150,800	0	14,263,100
Governor's Recommendation	168.65	13,618,400	150,800	0	13,769,200
Personnel Cost Rollups					
Includes the employer portion of estimated changes in employee benefit costs.					
Agency Request	0.00	136,300	100	0	136,400
<i>The Governor also recommends additional funding to be applied to the employee paid portion of health and dental insurance cost increases, in order to prevent employees from experiencing a reduction in take-home pay.</i>					
Governor's Recommendation	0.00	157,400	100	0	157,500
Inflationary Adjustments					
Includes a general inflationary increase of 2.4% in operating expenditures.					
Agency Request	0.00	15,300	1,800	0	17,100
<i>The Governor recommends no increase for general inflation.</i>					
Governor's Recommendation	0.00	0	0	0	0
Replacement Items					
The request for Replacement Items includes \$54,600 for 38 computer workstations, \$14,400 for eight printers, \$15,500 for two servers, \$2,700 for a server cabinet, \$14,000 for photocopier contracts, \$20,000 for a vehicle, \$4,900 for 14 executive chairs, and \$4,800 for miscellaneous office furniture and computer equipment. An additional \$7,500 is requested in operating expenditures for technical training, and \$17,500 to upgrade Windows XP and Timeslips software.					
Agency Request	0.00	153,200	2,700	0	155,900
<i>The Governor's recommendation includes funding for 25 computers, eight printers, one server, one server cabinet, one photocopier, funding to upgrade software licenses and training, and information technology equipment.</i>					
Governor's Recommendation	0.00	75,000	2,700	0	77,700
Nonstandard Adjustments					
The agency is requesting \$3,200 for increasing insurance premiums, \$2,700 for increased State Treasurer fees, a reduction of \$2,500 for State Controller fees, \$4,400 for maintenance on computer software, and \$6,100 for anticipated increases to access Westlaw online.					
Agency Request	0.00	13,900	0	0	13,900
Governor's Recommendation	0.00	10,900	0	0	10,900
Change in Employee Compensation					
Reflects the cost of a 1% salary increase for permanent and group positions.					
Agency Request	0.00	117,300	500	0	117,800
<i>The Governor does not recommend new funding for state employee pay increases. Compensation increases may be funded with agency salary savings wherever possible.</i>					
Governor's Recommendation	0.00	0	0	0	0

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Budget by Decision Unit

	FTP	General	Dedicated	Federal	Total
FY 2004 Program Maintenance					
Agency Request	175.15	14,548,300	155,900	0	14,704,200
<i>Governor's Recommendation</i>	168.65	13,861,700	153,600	0	14,015,300

1. Special Litigation Funding

Special Litigation

An additional \$2,660,600 in operating expenditures is requested to support the state's position in lawsuits dealing with federal reserved water rights, endangered species, school funding, and the insurance premium tax structure. In addition, litigation may arise as a result of the recent ballot measures on term limits and Indian Gaming. The FY 2004 General Fund Base in Special Litigation is \$839,400. The Office of the Attorney General was authorized by DFM to encumber \$2,010,800 for natural resource litigation (after certifying to the necessity by legislative intent) at the end of FY 2002. These funds shall be available throughout FY 2003 and possibly FY 2004 to pay for natural resource litigation. [\$2,500,000 Ongoing]

Agency Request	0.00	2,660,600	0	0	2,660,600
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The Governor chooses not to make a recommendation on enhancements for Executive Branch elected officials.

<i>Governor's Recommendation</i>	0.00	0	0	0	0
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2. Deputy AG for Criminal Appellate Unit

State Legal Services

The number of criminal appeals has risen approximately 51% since the late 1990's. This request is to reinstate an FTP and personnel funding for a deputy attorney general to be assigned to the criminal appellate unit.

Agency Request	1.00	65,400	0	0	65,400
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The Governor chooses not to make a recommendation on enhancements for Executive Branch elected officials.

<i>Governor's Recommendation</i>	0.00	0	0	0	0
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3. Criminal Law - Dep AG for IDOC

State Legal Services

The Office is requesting the reinstatement of the FTP and funding removed in the FY 2003 Base Reduction. This position was deleted when the position was vacated in FY 2003.

Agency Request	1.00	67,100	0	0	67,100
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The Governor chooses not to make a recommendation on enhancements for Executive Branch elected officials.

<i>Governor's Recommendation</i>	0.00	0	0	0	0
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4. Natural Resources - Dep AG for DEQ

State Legal Services

The Office is requesting the reinstatement of the FTP and funding removed in the FY 2003 Base Reduction. This position was deleted when the position was vacated due to retirement in FY 2003.

Agency Request	1.00	85,200	0	0	85,200
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The Governor chooses not to make a recommendation on enhancements for Executive Branch elected officials.

<i>Governor's Recommendation</i>	0.00	0	0	0	0
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5. Civil Litigation - Dep AG

State Legal Services

The Office is requesting the reinstatement of the FTP and funding removed in the FY 2003 Base Reduction. This position was deleted when the position was vacated in FY 2003.

Agency Request	1.00	66,700	0	0	66,700
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The Governor chooses not to make a recommendation on enhancements for Executive Branch elected officials.

<i>Governor's Recommendation</i>	0.00	0	0	0	0
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Attorney General

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
6. Criminal Law - Dep AG					State Legal Services
The Office is requesting the reinstatement of the FTP and funding removed in the FY 2003 Base Reduction. This position was vacated in FY 2002 and not replaced due to legislative cutbacks and budget constraints.					
Agency Request	1.00	76,200	0	0	76,200
<i>The Governor chooses not to make a recommendation on enhancements for Executive Branch elected officials.</i>					
Governor's Recommendation	0.00	0	0	0	0
7. Contracts & Administration - Dep AG					State Legal Services
The Office is requesting the reinstatement of the FTP and funding removed in the FY 2003 Base Reduction. This position was vacated in FY 2002 and not replaced due to legislative cutbacks and budget constraints.					
Agency Request	1.00	67,200	0	0	67,200
<i>The Governor chooses not to make a recommendation on enhancements for Executive Branch elected officials.</i>					
Governor's Recommendation	0.00	0	0	0	0
8. Dep AG & Paralegal for Insurance					State Legal Services
New Deputy Attorney General and Paralegal position by request of the Department of Insurance.					
Agency Request	2.00	134,200	0	0	134,200
<i>The Governor chooses not to make a recommendation on enhancements for Executive Branch elected officials.</i>					
Governor's Recommendation	0.00	0	0	0	0
9. New Operating & Capital Outlay					State Legal Services
Funding is requested to purchase a digital camcorder \$1,200, a fax machine \$2,500, a scanner \$1,000, library shelving \$7,000, and a computer server \$8,200. In addition, \$6,900 is requested for additional ongoing operating expenditures to assist with operating efficiencies.					
Agency Request	0.00	12,200	14,600	0	26,800
<i>The Governor chooses not to make a recommendation on enhancements for Executive Branch elected officials.</i>					
Governor's Recommendation	0.00	0	0	0	0
10. Case Mgmt System for Civil Litigation					State Legal Services
Due to the growing number of complex cases, like the school funding lawsuit, that are handled by the Civil Litigation Division, the agency is requested funding to put in place an automated system for managing case-related information. Ongoing funding of \$5,000 is requested for software maintenance agreements and training.					
Agency Request	0.00	32,000	0	0	32,000
<i>The Governor chooses not to make a recommendation on enhancements for Executive Branch elected officials.</i>					
Governor's Recommendation	0.00	0	0	0	0
FY 2004 Total					
Agency Request	183.15	17,815,100	170,500	0	17,985,600
Governor's Recommendation	168.65	13,861,700	153,600	0	14,015,300

Attorney General

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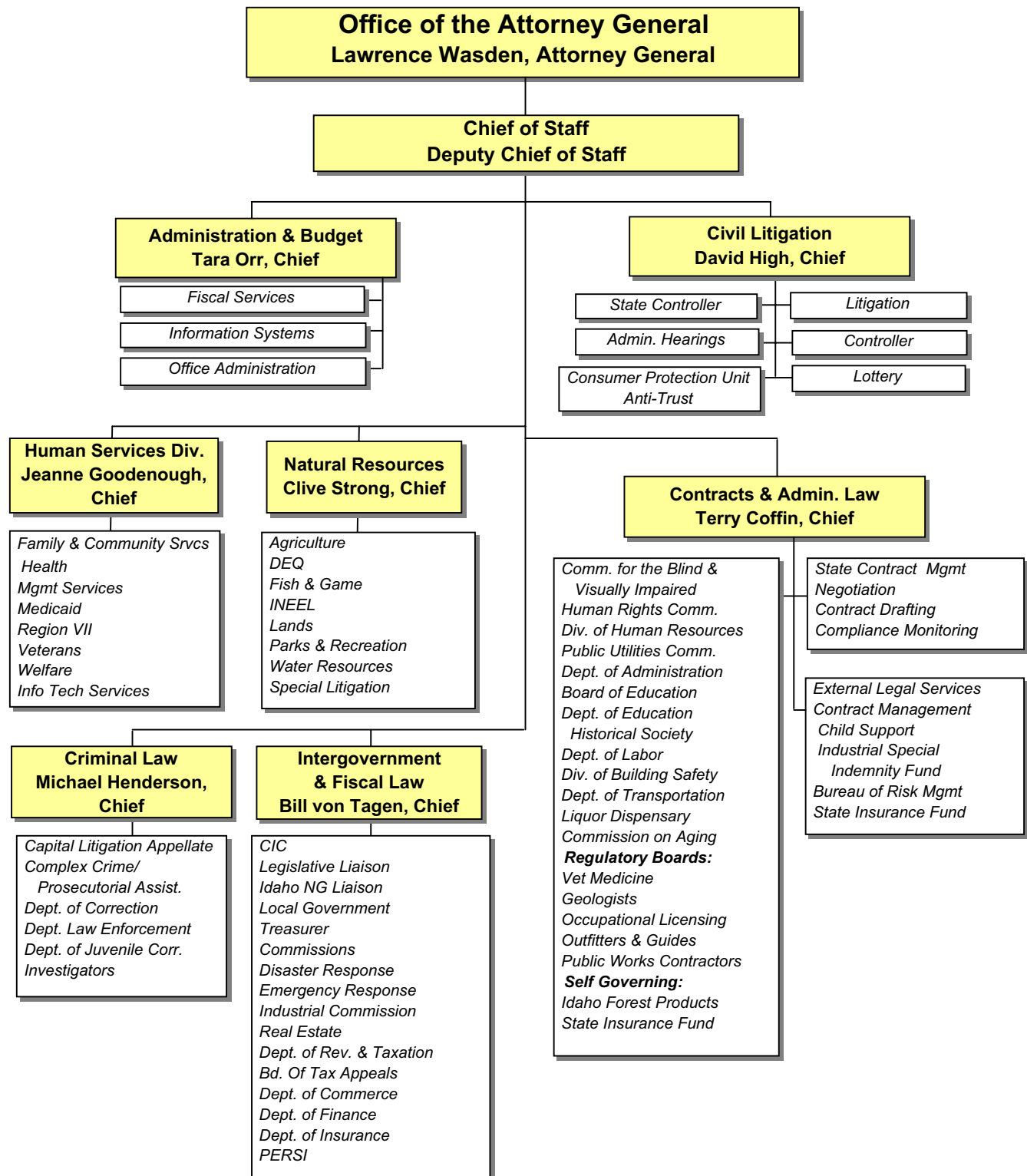
Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
Agency Request					
Change from Original App	0.00	3,702,800	29,700	(174,100)	3,558,400
% Change from Original App	0.0%	26.2%	21.1%	(100.0%)	24.7%
Governor's Recommendation					
Change from Original App	(14.50)	(250,600)	12,800	(174,100)	(411,900)
% Change from Original App	(7.9%)	(1.8%)	9.1%	(100.0%)	(2.9%)

Attorney General

Issues & Information

Analyst: Holland-Smith

Organizational Chart



Attorney General Issues & Information

Analyst: Holland-Smith

Special Litigation - History of Expenditures	FY 1999	FY 2000	FY 2001	FY 2002
1. Blackbird Mine	400	100	200	2,700
2. Bunker Hill Trust Administration			700	
3. Child Sex Abuse Report	15,100	15,000	16,000	8,000
4. Coeur d'Alene Tribes Claim	12,000	300	34,400	12,600
5. Death Penalty Cases	8,500	4,100	9,500	35,700
6. Endangered Species	2,400	1,300	7,500	13,000
7. Fish Passage Solution			6,800	
8. Grizzly Bear				117,000
9. Hayden Lake Fire Protection vs. SIF			67,400	260,100
10. Idaho Power Relicensing			600	
11. Indian Gaming	300	200		
12. Land Board Litigation			7,900	
13. Miscellaneous (under \$2,500)			400	2,700
14. Nuclear Waste Lawsuits	200			
15. Planned Parenthood vs. Lance & Bower			19,500	169,200
16. Public Education Law Suits	300	10,200	200	
17. Purchase Imaging System			14,000	14,800
18. Quiet Title	2,900	406,500	376,700	359,200
19. State vs. U.S. Redfish Lake Ownership				13,900
20. Rudeen vs. Cenarussa			200	
21. Salmon River Beds	2,900	97,400		
22. Snake River Basin Adjudication*	2,289,100	1,732,700	489,500	260,300
23. State vs. Osmundson		200	100	
24. State vs. Solomon (Naturopath)		1,200	8,000	
25. State vs. USFS Roadless			6,800	800
26. Triumph Mine	1,500	900	2,700	300
27. U.S. vs. Oregon	2,800	3,200	1,000	800
28. Water Power Relicensing	1,000	100	900	3,200
29. Webb vs. USA			1,000	
30. Weyrich vs. Lance		16,000		
31. Encumbered Funds - Legislative Intent				2,010,800
TOTAL	2,339,400	2,289,400	1,072,000	3,285,100

* \$8,100 of the \$1,732,700 spent in FY 2000 was reverted as an unliquidated encumbrance in FY 2001.